

through May 7, 2011, in communities throughout the United States; and

(3) encourages the people of the United States to hold appropriate programs, ceremonies, and activities during National Charter Schools Week to demonstrate support for charter schools.

# SENATE CONCURRENT RESOLUTION 14—CALLING FOR AN INDEPENDENT INTERNATIONAL INVESTIGATION OF THE APRIL 10, 2010, PLANE CRASH THAT KILLED PRESIDENT OF POLAND LECH KACZYNSKI AND 95 OTHER INDIVIDUALS

Mr. BURR submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

## S. CON. RES. 14

Whereas, on April 10, 2010, an airplane carrying President of Poland Lech Kaczynski crashed near Smolensk, Russia, killing everyone onboard;

Whereas the individuals onboard the airplane included President Lech Kaczynski and his wife, Maria Kaczynski, the chief of the Polish General Staff, senior Polish military officers, the Deputy Foreign Minister of Poland, 12 members of the Parliament of Poland, the president of the National Bank of Poland, senior members of the Polish clergy, and relatives of victims of the Katyn massacre;

Whereas President Lech Kaczynski and passengers were traveling to attend a ceremony commemorating the 70th anniversary of the Katyn Massacre to honor the 22,000 Polish officers killed at Katyn by the Soviet Secret Police in 1940 when the plane crashed just six miles from Katyn;

Whereas, on April 10, 2010, President of Russia Dmitry Medvedev ordered the establishment of a State Commission headed by Russian Prime Minister Vladimir Putin to investigate the circumstances of the disaster;

Whereas Prime Minister Vladimir Putin delegated supervision to Tatyana Anodina, Chairwoman of the Interstate Aviation Committee in Russia, to investigate the circumstances of the crash;

Whereas Alexei Morozov was designated as head of the Interstate Aviation Committee's technical commission;

Whereas Edmund Klich, the head of the State Commission for Aircraft Accident Investigations in Poland, was put in charge of the Polish investigative committee;

Whereas, on May 19, 2010, the Russian Interstate Aviation Committee released preliminary reports that the plane did not suffer from any mechanical failures and ruled out a terrorist attack, explosion, or fire;

Whereas Russian investigators in preliminary reports stated that the crash was the fault of the Polish pilots who did not listen to air traffic controllers;

Whereas Polish investigators released preliminary reports concluding that the crash was the fault of the air traffic controllers who gave delayed commands to the pilots;

Whereas only the transcripts of flight recorders have been given to Polish investigators;

Whereas the black boxes have not been handed over to Polish investigators;

Whereas, on January 12, 2011, the Russian Interstate Aviation Committee released its final report concluding that pilot error was the cause of the crash and dignitaries on the plane pressured the pilots to land;

Whereas the Interstate Aviation Committee's final report did not include any infor-

mation regarding actions of Russian air traffic controllers communicating with the plane;

Whereas requests for certain additional information by Polish investigators have been denied;

Whereas, on January 12, 2011, Tatyana Anodina, Chairwoman of the Interstate Aviation Committee, stated that Russia is prepared to provide results of its final report to an international investigation or auditors if necessary;

Whereas, on January 13, 2011, Prime Minister Donald Tusk of Poland called for intervention by international institutions in the event authorities from Poland and Russia cannot produce a report that satisfies both sides;

Whereas, according to the Convention on International Civil Aviation, signed at Chicago December 7, 1944 (also known as the "Chicago Convention"), if one country does not agree with an aviation disaster report drafted by another country, they may meet to reach consensus on the matter; and

Whereas over 300,000 Poles have signed a petition calling for an international investigation: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That Congress calls for an independent international investigation of the April 10, 2010, plane crash near Smolensk, Russia.

## NOTICE OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, May 3, 2011, at 10:00 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the proposal for a Clean Energy Deployment Administration as contained in Title I, Subtitle A of the American Clean Energy Leadership Act of 2009. (S. 1462 of the 111th Congress)

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Abigail\_Campbell@energy.senate.gov.

For further information, please contact Mike Carr or Abigail Campbell.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, May 5, 2011, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on a joint staff Discussion Draft pertaining to cyber security of the bulk-power system and electric infrastructure and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Meagan\_Gins@energy.senate.gov.

For further information, please contact Kevin Huyler or Meagan Gins.

### COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, May 4, 2011, at 10:30 a.m., to conduct an executive business meeting to consider the nomination of William J. Boorman, of Maryland, to be the public printer, followed by a legislative business meeting to consider S. Res. 116, to provide for expedited Senate consideration of certain nominations subject to advice and consent.

For further information regarding this hearing, please contact Lynden Armstrong at the Rules and Administration Committee.

## REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NOS. 112-2 AND 112-3

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on May 2, 2011, by the President of the United States:

Protocols 1, 2, and 3 to the South Pacific Free Zone Treaty, which is document No. 112-2. Protocols I and II, to the African Nuclear-Weapon-Free Zone Treaty, document No. 112-3.

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages in regard to both be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

### *To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith Protocols I and II to the African Nuclear-Weapon-Free Zone Treaty ("the Treaty"), signed on behalf of the United States at Cairo, Egypt, on April 11, 1996. I also transmit for the information of the Senate the Treaty to which these Protocols relate, a third Protocol to the Treaty, and the Department of State's Overview of the Protocols, which includes a detailed article-by-article analysis of both the Protocols and the Treaty.

I am convinced that it is in the best interest of the United States to ratify Protocols I and II to the Treaty. This

step will strengthen our relations with our African friends and allies, enhance U.S. security by furthering our global nonproliferation and arms control objectives, demonstrate our commitment to the decisions taken at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and contribute significantly to the realization of the African Nuclear-Weapon-Free Zone in all its aspects. As the Department of State's Overview of the Protocols explains, entry into force of Protocols I and II for the United States would require no changes in U.S. law, policy, or practice.

I recommend that the Senate give early and favorable consideration to Protocols I and II to the African Nuclear-Weapon-Free Zone Treaty, and give its advice and consent to their ratification, subject to the statements contained in the Department of State's Overview of the Protocols.

BARACK OBAMA,  
THE WHITE HOUSE, May 2, 2011.

#### *To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith Protocols 1, 2, and 3 to the South Pacific Nuclear Free Zone Treaty ("the Treaty"), signed on behalf of the United States at Suva on March 25, 1996. I also transmit for the information of the Senate the Treaty to which these Protocols relate and the Department of State's Overview of the Protocols, which includes a detailed article-by-article analysis of both the Protocols and the Treaty.

Ratification of Protocols 1, 2, and 3 to the Treaty would fully support U.S. nonproliferation policy and goals, and I am convinced that it is in the best interest of the United States to ratify these Protocols. This step will strengthen our relations with our South Pacific friends and allies and enhance U.S. security by furthering our global nonproliferation and arms control objectives. As the Overview of the Department of State explains, entry into force of Protocols 1, 2, and 3 for the United States would require no changes in U.S. law, policy, or practice.

I recommend that the Senate give favorable consideration to Protocols 1, 2, and 3 to the South Pacific Nuclear Free Zone Treaty and give its advice and consent to their ratification, subject to the statements described in the Overview of the Department of State.

BARACK OBAMA,  
THE WHITE HOUSE, May 2, 2011.

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, and after consultation with the majority leader, pursuant to Public Law 106-286, appoints the following Member to serve as Co-Chairman of the Congressional-Executive Commission on the People's Republic of China: the Honorable SHERROD BROWN of Ohio.

#### COMMUNICATION FROM THE HONORABLE JOHN ENSIGN

Mr. REID. I understand, Mr. President, you are going to make a report to the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate a communication regarding the resignation of Senator ENSIGN.

Without objection, the letter will be printed in the RECORD and spread upon the Journal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
Washington, DC, April 22, 2011.

Vice President JOE BIDEN,  
The White House, Pennsylvania Avenue, NW.,  
Washington, DC.

DEAR MR. VICE PRESIDENT: I am writing to submit my resignation from the United States Senate, effective close of business May 3, 2011. The short time before I leave is necessary to ensure the smooth transition of my office and to assist the dedicated people who work in the office the time to arrange their next positions.

The decision to leave the Senate before my term has expired is the most difficult decision I have had to make in public life. I am immensely proud and honored to have served the people of Nevada for more than 10 years. I do not easily or lightly forego the obligation to fulfill the term to which I was elected. However, as my colleagues, friends, and constituents know, my family, my staff and I have gone through an emotional, personal and professional rollercoaster of inquiries by the Department of Justice, the Federal Election Commission, and the Senate Ethics Committee. These inquiries have been time-consuming and distracting to everyone involved and, not unimportantly to me, have been financially very costly.

I am gratified that, after extended investigations, both the Department of Justice and the Federal Election Commission saw no grounds on which to charge me with improper conduct. I was hopeful that, with the closure of these investigations against me the wear and tear on me and on my family and staff would soon be over. That was not the case.

As is its right, the Senate Ethics Committee is continuing its investigation of issues into which it has been inquiring for the past year and a half. Indeed, the Committee even decided recently to devote more resources to its investigation by hiring an outside special counsel, even though the issues have been viewed and reviewed by so many others.

I firmly believe that I have not violated any law, rule, or standard of conduct of the Senate. But even to prove this publicly I will not subject my family, my staff, my constituents, or the Senate to any further rounds of investigation, depositions, drawn out proceedings, or, especially, potential public hearings. For my family, my staff and me, the continuing personal cost would simply be too great. For my constituents, for the Senate, and for my colleagues and friends in this great institution, they should not have to endure any further distraction from the many, many critical issues on America's agenda. Not another day of effort should be spent on my case when we face the pressing issues of the National debt, tax reform, the next budget, and military conflicts in so many places in the world.

Therefore, with the greatest personal sadness and reluctance, I am taking this step of resignation to allow my family and me fi-

nally to move on and so that the Senate, in the months to come, may attend fully to the crucial business of the Nation. I cannot thank all my colleagues and constituents enough for the honor of serving and of contributing whatever I have been able to contribute to this body and to the people of the State of Nevada and of the United States of America.

Sincerely,

JOHN ENSIGN,  
United States Senator.

#### ORDERS FOR TUESDAY, MAY 3, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, May 3; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, the Senate proceed to a period of morning business until 5 p.m. for debate only, with Senators permitted to speak for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes; and, finally, the Senate recess from 12:30 until 2:15 p.m. for their weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, we are working with the Republican leader on a resolution commending the Armed Forces and the intelligence community regarding the death of Osama bin Laden. We may have a rollcall vote on adoption of this resolution tomorrow afternoon.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:47 p.m., adjourned until Tuesday, May 3, 2011, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 188:

*To be lieutenant commander*

MICHAEL J. PLUMLEY

*To be lieutenant*

VICTORIA C. FUTCH  
MARIETTE C. OGG

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624: